

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

WALTER RAVEN,	:	Civil No. 1:18-cv-0623
	:	
Petitioner,	:	
	:	
v.	:	
	:	
WARDEN, SCI ROCKVIEW, et al.,	:	
	:	
Respondents.	:	Judge Sylvia H. Rambo

MEMORANDUM

Before the court is a Report and Recommendation (Doc. 21) filed by Magistrate Judge Carlson in which he recommends that Walter Raven's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be denied. Raven subsequently filed objections to the Report and Recommendation.¹ For the reasons that follow, the Report and Recommendation will be adopted and the petition will be denied.

I. Discussion

Raven is serving a 6 ½ to 25-year sentence of imprisonment following a plea of guilty to multiple charges arising out of a hit and run accident in which two people were killed, and charges pending at the time of the accident that arose out of a controlled drug buy. He entered into plea agreements in both cases and pled guilty to charges of an accident involving death or personal injury, an accident involving

¹ Raven filed an amendment to the petition (Doc. 14). The Magistrate Judge found that the amendment was simply a motion to appoint counsel. The court agrees with the Magistrate Judge's interpretation of this filing.

death or personal injury while not properly license, and other charges related to the hit and run accident, as well as one count of delivery of a controlled substance.

In his petition, Raven argues that several of his counts should have been merged for sentencing purposes in violation of the constitutional protection against Double Jeopardy, that his counsel was ineffective, and that the trial court was biased. The Magistrate Judge thoroughly outlined the pertinent legal standards in his Report and Recommendation and found that: (1) Raven's claim regarding the bias of the trial judge and his request for change of venue were unexhausted and waived; (2) Raven's consecutive sentences did not amount to two punishments for the same crime; and (3) Raven's counsel informed him of the pertinent information from which Raven could decide whether to plead guilty and did knowingly and intelligently plead guilty. For these reasons, the Magistrate Judge recommended that the court deny Raven's petition for a writ of habeas corpus and decline to issue a certificate of appealability.

Raven raised multiple objections to the Report and Recommendation including factual inaccuracies regarding the accident, claims that his attorney stated "the judge is wrong," the state court's adjudication was an unreasonable application of *Strickland*, his attorney failed to appeal the trial court's bias, he was unaware that he would receive an aggregate sentence, and certain language used by the Magistrate Judge was objectionable. (Doc. 23.) These issues have already been thoroughly

addressed by the Magistrate Judge or have no bearing on the findings of the Report and Recommendation.

II. Conclusion

Accordingly, the court will adopt the Report and Recommendation and deny Raven's petition. An appropriate order will issue.

s/Sylvia Rambo

SYLVIA H. RAMBO
United States District Judge

Dated: July 9, 2019